

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

**ERIC ORTIZ, Individually and on Behalf
Of All Others Similarly Situated**

PLAINTIFF

vs.

No. 2:23-cv-00040-Z-BQ

**MINSK HOSPITALITY MANAGEMENT, LLC,
AMARILLO HOSPITALITY GROUP, LLC,
and JIJU THOMAS VITHAYATHIL**

DEFENDANTS

**UNOPPOSED MOTION FOR RELIEF FROM LOCAL COUNSEL
REQUIREMENT AND INCORPORATED BRIEF IN SUPPORT**

Plaintiff Eric Ortiz, individually and on behalf of all others similarly situated (“Plaintiff”), by and through his undersigned counsel, for his Motion for Relief from Local Counsel Requirement, hereby states and alleges as follows:

1. On August 2, 2023, this Court ordered Plaintiff to obtain local counsel pursuant to the Court’s July 7, 2023, Order (ECF No. 12), and for local counsel to file an entry of appearance on or before August 9, 2023. ECF No. 19.

2. Attorney Josh Sanford filed an Unopposed Motion to Withdraw as Counsel on August 8, 2023, stating that Forester Haynie, PLLC, whose attorneys have already entered an appearance in this case, will continue to represent Plaintiff in his stead. ECF No. 20.

3. It is Plaintiff’s position that under Local Rule 83.10 that Plaintiff is not required to hire local counsel now that Attorney Josh Sanford is seeking withdrawal as counsel because Plaintiff’s other counsel maintains their principal office in the Northern District of Texas. However, with the Court’s August 9, 2023, deadline to associate with

local counsel, and in an abundance of caution, Plaintiff files this Motion to relieve his counsel of the obligation to obtain local counsel.

4. Local Rule 83.10(a) requires an attorney appearing in a case in the Northern District of Texas to retain local counsel if that attorney does not reside or maintain a principal office within the Northern District of Texas.

5. Local Rule 83.10(a) also states, “Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge. If the request for leave is denied, written designation of local counsel must be filed within 14 days of the denial.”

6. Undersigned counsel are admitted to practice in the Northern District of Texas, and their firm, Forester Haynie, PLLC, maintains its principal office in Dallas, Texas, which is also located in the Northern District of Texas.

7. Though undersigned counsel do not maintain an office within 50 miles of the Court, undersigned counsel believe that they would be able to travel on short notice to the Amarillo area if the Court requires an in-person appearance for any type of hearing. Undersigned counsel also believe that the ability to participate remotely should also allow undersigned counsel to appear in many instances where an in-person appearance may otherwise not be required.

8. The instant case is a relatively straightforward FLSA case and will likely not involve unusual questions of law or fact. The legal issues are relatively straightforward, and the case should be resolved by the work of the fewest number of attorneys possible.

9. Undersigned counsel believe they can provide the services required of local counsel, and that by waiving the requirement of local counsel, Plaintiff can conserve his resources by avoiding the cost of retaining additional counsel.

10. Plaintiff believes that good cause exists for waiver of the local counsel requirement.

BRIEF IN SUPPORT

The Northern District of Texas generally requires members of the bar of this Court who do not reside or maintain the attorney's principal office in this district to specify local counsel. LR 83.10(a). However, the rule also allows the Court to grant leave, at the Judge's discretion, to relieve attorneys of the obligation to specify local counsel. *Id.*

Plaintiff has requested leave to relieve undersigned counsel of the requirements proscribed in LR 83.10(a). The instant case is a fairly straightforward FLSA case and is very unlikely to involve unusual questions of law or fact. Plaintiff's counsel is experienced in FLSA litigation and is qualified to litigate this case without the assistance of local counsel. Further, LR 83.10(b) requires that local counsel must be "authorized to present and argue a party's position at any hearing called by the presiding judge. Local counsel must also be able to perform, on behalf of the party represented, any other duty required by the presiding judge or the local rules of this court." Undersigned counsel are familiar with the Local Rules and operate an office within the state of Texas. Undersigned counsel are in a fine position "to present and argue a party's position at any hearing called by the presiding judge," and "perform, on behalf of the party represented, any other duty required by the presiding judge or the local rules of this court." *Id.*

Additionally, Plaintiff believes the fewer attorneys that are involved in this case, the faster it should resolve. Therefore, should the Court grant Plaintiff's Unopposed Motion for Relief Local Counsel Requirement, the Court would assist in conserving judicial resources and the Parties' resources.

Respectfully submitted,

**PLAINTIFF ERIC ORTIZ, Individually
and on Behalf of All Others Similarly
Situated**

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CERTIFICATE OF CONFERENCE

I, Colby Qualls, do hereby certify that on August 8 and 9, 2023, I conferred with Defendants' counsel about whether Defendants would oppose this Motion. Per Defendants' counsel, this Motion is **unopposed**.

/s/ Colby Qualls

Colby Qualls

CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that on the date imprinted by the CM/ECF system, a copy of the foregoing MOTION was filed via the CM/ECF system, which will provide notice to the following attorneys of record:

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/s/ Colby Qualls

Colby Qualls